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Minutes  
Regular Meeting  
February 11, 2015

Present: Mayor Kenneth Neilson, Councilmen Garth Nisson, Kress Staheli, Thad Seegmiller, Ronald Truman, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, City Recorder Danice Bulloch, Community Development Director Drew Ellerman, Public Works Director Mike Shaw, Administrative Services Manager Kimberly Ruesch, Power Director Kelly Carlson, Audience: Craig Coats, Steve Swinson, Jake Swinson, David Houston, Gretchen Peschke, John Peschke, Jennifer Libby

Meeting commenced at 6:00 P.M.

**Invocation:** Councilman Seegmiller

**Pledge of Allegiance:** Councilman Staheli

**1. APPROVAL OF THE AGENDA**

*Councilman Truman made a motion to approve the agenda. Councilman Nisson seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**2. ANNOUNCEMENTS**

*None*

**3. DECLARATION OF ABSTENTIONS & CONFLICTS**

*None*

**4. CONSENT AGENDA**

**APPROVAL OF MINUTES:** Consideration to approve the minutes from the City

## **Council Meetings of 1/28/15.**

**BOARD AUDIT REPORT:** Consideration to approve the Board Audit Report for January 2015.

**ALCOHOL LICENSES:** Consideration to approve the renewal of an On-Premise Licenses for Royal Thai Cuisine

*Councilman Turek made a motion to approve the consent agenda. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

### **5. FINANCIAL UPDATE**

#### **A. Review of the 2nd Quarter Finance Update. Administrative Services Manager Kimberly Ruesch**

Administrative Services Manager Kimberly Ruesch reviewed the 2nd Quarter Financial Update with Council.

Councilman Staheli asked for clarification on the power funds. The report they heard in the meeting from the previous meeting showed more of a deficit in the funds.

Administrative Services Manager Ruesch explained this report does not reflect depreciation. In addition, billings through the Utility Department are behind at least two months. She continues her review of the the Finance Update.

Councilman Staheli asked who would be handling the Pro-Shop and the Snack Bar of the Golf Course.

City Manager Roger Carter explained the personnel will remain the same. The difference will be the City will purchase the stock and earn the revenue on those items.

Administrative Services Manager Ruesch completed her financial update.

### **6. PUBLIC HEARINGS AND RELATED ORDINANCES**

#### **A. Continuation of Public Hearing for consideration of Amending the Washington City Code, by amending portions of Title 9 Zoning Regulations, Chapter 14 Supplementary and Qualifying Regulations, Section 25 Vacation/Short Term Rental Regulations . Applicant: Washington City**

Community Development Director Drew Ellerman reviewed:

The City is wishing to amend the City Code for the purpose of considering the allowance of vacation rentals/short term rentals in residentially designated neighborhoods. Several City Council and Planning Commission meeting discussions have been devoted to this problem and/or possibility.

After more discussions and several work sessions held by the Planning Commission, the following ordinance change is being proposed for consideration of allowing short term residential rentals within existing (or newly constructed) homes in Washington City.

This item was tabled at the Council meeting of January 28, 2015 to adjust several items within the proposed ordinance change. Those changes included wording in section 9-14-25(A) adding verbiage to reflect Chapter 17(conditional uses), (C)(2) striking out minimum distance between, (C)(4) changing required percentage, (D) adding the specific number of days for terminating the use, and adding letter (G) penalty language. The following proposed ordinance reflects those changes and reads as follows:

**9-14-25: Residential Rentals, Short Term:**

A. The purpose and intent of this Section is to protect the health, safety and general welfare of the residents of the city. This section establishes procedures for designating areas within the city where the rental of residential units on an overnight or short term basis is desirable and in the best interest of the community, and to aid the development of housing, particularly by owners who reside elsewhere and wish to rent their units when not in use. This section is intended to fully exclude such overnight and short term rental practices in residential units that have not been approved under the conditional use permit process as outlined in Chapter 17 of this title.

B. Definitions, the words and phrases defined below shall be used in interpreting and construing this Section:

**GUEST BEDROOM:** Each bedroom in the rental dwelling unit in addition to the first bedroom.

**SHORT TERM:** A period of twenty-seven (27) days or less (including overnight).

C. Conditional Use In Residential Zones: Subject to the granting of a conditional use permit, short term rentals shall be allowed in any municipal residential zoning district which is zoned to permit exclusively single-family or multiple-family dwelling use, only if that residential use:

1. Is located on a lot size of ten thousand (10,000) square feet or more; and

~~2. Separated by at least five hundred feet (500') from another property used for approved short term residential rentals; and~~

2. Conforms to all applicable health, safety, zoning and building codes adopted by the

city; and

3. Is capable of use as a short term residential rental without structural or landscape alterations that would change the structure's residential character; and
  4. Receives approval from seventy five percent (75%) of the property owners within a five hundred foot (500') radius of the short term residential rental. Approvals shall be in the form of originally signed and notarized letters from said property owners. Also, where applicable, letter of approval from the Home Owners Association (HOA) board; and
  5. Be controlled by a local property management person or company who shall be within twenty (20) miles of the short term residential rental property; and
  6. Have adequate off street parking, allowing for only two (2) vehicles plus one additional vehicle for every two (2) guest bedrooms. Parking requirements shall not include parking on public (or private) streets.
- D. The conditional use granted by this section is nontransferable and terminates if after three hundred sixty five (365) days the structure is devoted to a use other than as a short term residential rental, the change of ownership of the property, or if the structure fails to comply with applicable health, safety and building codes.
- E. License Required: The owner or property manager of each short term residential rental property shall obtain a short term residential rental property business license as required in this code prior to commencing the use.
- F. Each approved property will be required to have permanently posted, in a conspicuous place, the rules and regulations as it relates to the approved conditions of that particular conditional use permit, for that specific location.
- G. Penalty: Any person, firm or corporation, whether as principal, agent employee or otherwise, violating or causing or permitting the violation of the provisions of this section, shall be guilty of a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this code. Any such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continues or is permitted by such person, firm or corporation.

With that said, staff is wishing to have our city code amended to add the new Section (section 25) "Residential Rentals, Short Term", to Chapter 14, Supplementary and Qualifying Regulations of Title 9, Zoning Regulations.

The Planning Commission unanimously recommended approval of the Amendment to the Washington City Code, Title 9, Chapter 14, Section 25 (new) to the City Council, based on the following findings:

## Findings

1. The importance to protect existing residential properties and to allow for vacation/short term rentals of homes throughout the city.

Councilman Truman stated there were items missing from the Ordinance.

City Attorney Jeff Starkey explained the final draft was not included in the packet. He made the corrections, and handed out the hard copy this evening.

Councilman Staheli asked if there were issues with the vacation rental home, are there provisions for the City to revoke the rental.

City Attorney Starkey stated there will be conditions placed on the Conditional Use Permit, which will be unit specific.

Councilman Turek commented in discussion, there were concerns with residents stating if only a 75% agreeability was required, the direct adjacent neighbors could state they did not want this, and if everyone else says they are fine then it would happen, and the neighbors most impacted would have no recourse.

Community Development Director Ellerman explained we might find that amendments may need to be made in the future if the negative impacts outweigh the positive.

Councilman Nisson commented there are some vagueness to portions of the Ordinance, was that the intention.

City Attorney Starkey stated the vagueness is intended. The new ordinance and there could be items we never had anticipated, which we need to be prepared for.

Councilman Turek asked about the necessity for the Washington City Business License.

City Recorder Danice Bulloch stated as part of the Washington City Ordinance, it required each business located in Washington City would have to obtain a license.

Councilman Seegmiller commented the idea of property managers might find this as a deterrent if they need to purchase a business license.

Community Development Director Ellerman stated we have many of the vacation homes in the City, and he feels they would at the very least come in and apply.

Councilman Seegmiller stated he does not know if the ordinance is going to encourage individuals to become more legal.

Community Development Director Ellerman stated if nothing else, we will have an ordinance, which is very specific, and can give some backing to prevent those homes being rented that are an issue.

Dave Houston stated he is the Community Manager at Coral Canyon. As a representative from Coral Canyon, he can state, those individuals who are full time home owners in their subdivision are completely supportive of this ordinance.

Jennifer Libby stated she has collected some information from different states, which are comparable to ours. She found the follows: short term rental applications, proof of insurance on the home, and inspections. They may want to consider requiring a business license per unit as well as a local property manager. She does feel requiring 75% consent of surrounding property owners is too high. Vacation rental homes do not devalue homes according to their assessment. Many of the common complaints can be handled if a local property management company regulates the homes. If there are too tight of restrictions, the underground vacation rentals will continue to be an issue. We need to be able to accommodate visitors coming to our area. Many of those individuals want to stay in upscale homes rather than hotels.

Councilman Staheli stated he appreciates the research Ms. Libby has done, and provided to Council.

Community Development Director Ellerman stated these issues would be addressed under our Conditional Use Permit application process.

City Attorney Starkey stated the application he reviewed in Park City included a per bed fee, as well as an inspection fee for each rental period.

Councilman Seegmiller stated he understands there are restriction within homeowners associations. He feels it is beneficial to those development, to provide added protection to the full time residents.

Ms. Libby noted there we some areas, which issue a specific number of vacation rentals per City. It may be a way to get those underground rentals to comply.

City Manager Carter asked what is seen in the future with the much demand for Vacation Rentals. If we address the demand by allowing specific areas for the vacation rentals, would it be sufficient.

Ms. Libby stated the demand would not be addressed because most people cannot afford to purchase in the resort setting.

Community Development Director Ellerman stated the ideal would be to have an entire subdivision designated as vacation rentals. They would be affordable homes, but the area would be regulated as such, without full time residents who have turnover of vacation homes next door to them.

Ms. Libby stated many investors do not realize they cannot have a vacation rental when they purchase a home.

Councilman Truman commented most subdivisions with CC&R's do not allow for vacation rentals.

Ms. Libby commented investors do not even look at the CC&R's.

Councilman Truman stated they are in the wrong, if they are not doing their due diligence by finding out what is allowed in each area.

Councilman Turek stated he understands there is a need for these types of rentals. However, we need to be conscious of our permanent residents as well.

Steve Gusdavidson stated he appreciates the ordinance. He purchased his home in Coral Canyon to live in a neighborhood. He did not purchase to live next to a home that is being rented as nightly rental. He lives in a residence, and not next to a motel. It is ridiculous to have to put up with this. He loves Washington City, and he enjoys the community. He feels the ordinance needs to be in place to protect homeowners like him.

\* No further comments were made.

*Councilman Truman made a motion to close the public hearing. Councilman Nisson seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**B. Consideration to approve an Ordinance Amending Washington City Code, 9-14-25 Vacation/Short Term Rental Regulations.**

Councilman Seegmiller stated the reason behind the ordinance is due to neighbors having issues, which have been presented this evening. He believes these are going to become more of a problem than less. He would like Staff and Council to continue to investigate different options for vacation rentals, while protecting those individual who have come here to live as full-time residents.

*Councilman Truman made a motion to approve an Ordinance Amending Washington City Code, 9-14-25 Vacation/Short Term Regulations. Councilman Turek seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**C. Public Hearing to consider amend the City Code, by amending portions of Title 9 Zoning Regulations, Chapter 18 Signs, Section 20 Special Standards for**

**commercial signs on Buena Vista Boulevard, Telegraph Road, Washington Parkway and 300 East. Applicant: Washington City**

Community Development Director Drew Ellerman reviewed:

The City is wishing to amend the City Code for the purpose of promoting orderly commercial signage with regards to the special standards section as it relates to Buena Vista Boulevard, Telegraph Road, 300 East and Washington Parkway.

Recently the City Council requested that the regulations in this specific section of the sign ordinance be looked at and allow for some expansion of the size and height of signs on larger properties on the above listed streets and roads. The following changes are the outcome of that request: ( \*\*note, with corrections from planning commission mtg. of 1-7-15\*\* )

**9-18-20: SPECIAL STANDARDS FOR COMMERCIAL SIGNS ON BUENA VISTA BOULEVARD, TELEGRAPH ROAD, 300 EAST AND WASHINGTON PARKWAY:**

- A. Scope:** Notwithstanding other provisions of this chapter, this section shall take precedence and imposes additional restrictions for signs within commercial and industrial zones on Buena Vista Boulevard, Telegraph Road, 300 East and Washington Parkway.
- B. Special Standards:** Except for signs along the cross streets of corner lots and along I-15, where they are at least two hundred fifty feet (250') from the rights of way of the above listed streets, freestanding signs are hereby limited to monument type signs with the following design standards:

**1. Height:** The maximum height of a sign shall not exceed:

- a. Ten feet (10') from adjacent natural grade on lots with a single story building.
- b. Fifteen feet (15') from adjacent natural grade on lots with buildings two (2) or more stories.
- c. Twenty-two feet (22') from adjacent natural grade on developments of three (3) acres to five (5) acres, and having multiple buildings and multiple tenants, of which at least one building has two (2) or more stories.
- d. Thirty feet (30') from adjacent natural grade on developments of five (5) acres or more, and having multiple buildings and multiple tenants, of which at least one building has two (2) or more stories.

**2. Size:** The maximum size of the sign shall not exceed:

- a. Seventy five (75) square feet for properties with up to one hundred feet (100') of frontage on a public road. An additional one square foot of sign area may be allowed for each additional two feet of public road frontage, up to a maximum size of one hundred twenty (120) square feet per sign.



b. One hundred twenty-five (135) square feet for developments with multiple buildings and multiple tenants, having more than two hundred feet (200') of frontage on a public road and greater than three (3) acres in size. An additional one square foot of sign area may be allowed for each additional two feet of public road frontage, up to a maximum size of two hundred forty (240) square feet for signs described in B(1)(c) of this Section and up to a maximum size of three hundred sixty (360) square feet per sign as described in B(1)(d) of this Section. Additional signs that meet the requirements as set forth in 9-18-20(B)(4) will be limited to a maximum size of one hundred twenty (120) square feet per sign.

**3. Location: Signs must be located on private property and not within any existing or planned public right of way as identified in the city transportation master plan. Signs shall be setback a minimum of:**

<u>Signs with height limits of:</u>	<u>Setback from any property line:</u>
ten - fifteen feet (10' - 15')	three feet (3')
twenty-two feet (22')	eight feet (8')
thirty feet (30')	twelve feet (12')

**Signs shall not obstruct visibility at driveway entrances and exits, intersections and other public points along the roadway.**

The Planning Commission unanimously recommended approval of the Amendment to the Washington City Code, Title 9, Chapter 18, Section 20, Subsection (A) & (B)(1)(2) and (3) to the City Council, based on the following findings:

**Findings:**

1. To allow for larger signs on larger commercial properties in the restricted/limited areas of Buena Vista Boulevard, Telegraph Road, 300 East and Washington Parkway.

Council discussed the possibility of having higher signs in the big box commercial areas.

Councilman Staheli asked for our current sign Ordinance restrictions.

Community Development Director Ellerman reviewed the current guidelines.

Councilman Staheli stated he can see there has been much time put into this Ordinance by the Planning Commission and Staff. However, he does not feel he would be ready to vote on this item tonight. He would like Council to give some additional suggestions, and possibly have it item go back before Planning Commission with those suggestions. In addition, he would like to actually see signs with these dimensions.

Councilman Seegmiller stated he supports Councilman Staheli. However, he would prefer not

sending this back to the Planning Commission, as they were already unanimous on their recommendation. He feels Council can give additional input and direction prior to moving forward. He would also like to see some examples of signage, with these dimensions.

Community Development Director Ellerman stated he would get some sign examples within each category for Council to review.

\* No comments from the public.

*Councilman Seegmiller made a motion to close the public hearing. Councilman Truman seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Councilman Seegmiller retracted his previous motion, and continued with the following:

*Councilman Seegmiller made a motion to continue the public hearing to be held on March 11, 2015. Councilman Truman seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**D. Consideration to approve an Ordinance Amending Washington City Code, 9-18-20 Signs**

*Tabled*

**7. AWARD OF BID**

**A. Consideration to award the bid for the construction of an Equipment Cover, located at the Washington City Generation Plant. Power Director Kelly Carlson**

Power Director Kelly Carlson reviewed the presentation and award of bids for the Equipment Cover located at the Generation Plant. After review of all submitted bids he would recommend the bid be awarded to JMI Constructors in the amount of \$87,067.

*Councilman Staheli made a motion to award the bid for the construction of an Equipment Cover, located at the Washington City Generation Plant to JMI Constructors in the amount of \$87,067. Councilman Turek seconded the motion; which passed with the following roll call vote:*

Councilman Nisson	<i>Aye</i>
Councilman Seegmiller	<i>Nay</i>
Councilman Staheli	<i>Aye</i>
Councilman Truman	<i>Aye</i>
Councilman Turek	<i>Aye</i>

**B. Consideration to award the bid for the construction of a Storage Building, located at the Washington Generation Plan. Power Director Kelly Carlson**

Power Director Kelly Carlson reviewed the presentation and award of bids for the Storage Building located at the Generation Plant. After review of all submitted bids he would recommend the bid be awarded to JMI Constructors in the amount of \$76,060.

*Councilman Staheli made a motion to award the bid for the construction of a Storage Building, located at the Washington Generation Plan to JM in the amount of \$76,060 with the additional amount of \$78,247.65 for grading. Councilman Turek seconded the motion; which passed with the following roll call vote:*

Councilman Nisson	<i>Aye</i>
Councilman Seegmiller	<i>Nay</i>
Councilman Staheli	<i>Aye</i>
Councilman Truman	<i>Aye</i>
Councilman Turek	<i>Aye</i>

**C. Consideration to award the bid for the construction of the Fields Road and 3090 South, Storm Drain and Wastewater Extensions 2015. Public Works Director Mike Shaw**

Public Works Director Mike Shaw reviewed the bids for the construction of the Fields Road and 3090 South, Storm Drain and Wastewater Extensions 2015. After review of all submitted bids he would recommend the bid be awarded to Sunroc in the amount of \$331,867.

*Councilman Staheli made a motion to award the bid for the construction of the Fields Road and 3090 South, Storm Drain and Wastewater Extension 2015 to Sunroc in the amount of \$331,867. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:*

Councilman Nisson	<i>Aye</i>
Councilman Seegmiller	<i>Aye</i>
Councilman Staheli	<i>Aye</i>
Councilman Truman	<i>Aye</i>
Councilman Turek	<i>Aye</i>

**8. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE**

Councilman Seegmiller stated the Wastewater District held a meeting regarding the opt-out for the recycling program. They have received bids, which include a mandatory as well as an opt-out option. He will present those calculations to Council at the next workshop meeting.

## 9. CITY MANAGER REPORT

City Manager Roger Carter updated Council on the Parks Capital Facilities Plan. The concerns of SUBA have been responded to, and they plan to place this plan on the next regular agenda. The Sullivan Park pre-qualification meeting will be held in the upcoming week.

Councilman Staheli suggested contacting the Pickleball Association, as they have been donating money to construct courts. They may be willing to contribute to our new courts at the Sullivan Park.

City Manager Carter stated he would suggest this to Barry Blake. We have been having discussions with the Soccer Association as well. At this time, their requests have been excessive, which means there would need to be negotiations if we were to move forward with them. The Buena Vista Detention Basins will be bid out this month. The Turf Farm easement documents are complete. We will be now working with the landowner in order to move forward. There will be public meetings in the upcoming month with regard to curb, gutter, and sidewalk in the downtown area. He has is working on grant funds to go toward our Economic Development Plan. There will be an assessment for Customer Service by our citizens, in order to determine our areas we need to work. The Branding Committee will be holding their first meeting in the next two weeks. He met with Councilman Staheli with regard to the downtown. We are working on a conceptual plan and working with the LDS Church to determine the use with the church block.

## 10. CLOSED SESSION

### A. To discuss pending or potential litigation.

*Councilman Seegmiller made a motion to move into Closed Session to discuss pending or potential litigation. Councilman Nisson second the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

The Council moved into Closed Session at 8:27 P.M.

The Council adjourned the Closed Session and returned to the Regular Meeting at 9:28 P.M.

## 11. ADJOURNMENT

*Councilman Turek made a motion to adjourn the meeting. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

*Meeting adjourned at 9:28 P.M.*

Passed and approved this 11th day of March 2015.

Washington City

Attest by:

*Danice B. Bulloch*

Danice B. Bulloch, CMC  
City Recorder



*Kenneth F. Neilson*  
Kenneth F. Neilson, Mayor